

WILLIAM MAXWELL WOOD.

[To accompany Bill H. R. No. 697.]

MAY 4, 1860.

Mr. J. M. HARRIS, from the Committee on Naval Affairs, made the following

REPORT.

The Committee on Naval Affairs, to whom was referred the memorial of William Maxwell Wood, a surgeon in the navy of the United States, beg leave to report:

That it appears from the papers in this case that the petitioner is a surgeon in the navy, and was, in the winter of 1857-58, doing duty as surgeon to the East India squadron, which position he had then held for two years and three months. At that date the flag-officer, James Armstrong, the commander-in-chief of the squadron, who had long been in bad health, was ordered to return to the United States by the overland route, and issued to the memorialist the following orders:

A.

U. S. FLAG-SHIP SAN JACINTO,
Hong Kong, December 29, 1857.

SIR: Having received orders to return to the United States by the overland route, I do not feel competent to do so, in my failing health, without a medical attendant. You will, therefore, transfer the medical charge of this ship, by the 12th January, 1858, to the senior assistant surgeon, and prepare to accompany me by the next steamer.

I am, very respectfully, your obedient servant,

JAS. ARMSTRONG,
*Flag-Officer Com'g U. S. Naval Forces,
East India and China Seas.*

Fleet Surgeon WILLIAM MAXWELL WOOD,
U. S. Steam Frigate "Minnesota," Hong Kong.

B.

U. S. FLAG-SHIP "SAN JACINTO,"
Hong Kong, January 29, 1858.

SIR: You will proceed with me by the overland route, via England, to New York; and, upon your arrival at New York, you will report yourself by letter to the honorable the Secretary of the Navy.

I am, very respectfully, your obedient servant,

JAS. ARMSTRONG,
*Flag-Officer Com'g U. S. Naval Forces,
 East India and China Seas.*

Fleet Surgeon WILLIAM MAXWELL WOOD,
U. S. Steam Frigate "San Jacinto," Hong Kong.

At the same time that these orders were issued to Surgeon Wood, Commodore Armstrong directed his own secretary and servant to accompany him to the United States.

When the memorialist in this case, acting under these orders of his commanding officer, reached the United States and reported himself to the Navy Department, the Secretary of the Navy disapproved the orders thus given him by Commodore Armstrong, put the memorialist upon "leave of absence pay" from the day that he left the East India squadron, and further refused to allow him travelling expenses, as provided by the second section of the act of 1835. The department, however, *allowed* the travelling expenses of the commodore's secretary and servant. During the travel home the memorialist had no control over his movements or of the expenditure of the money. It is further well to state that at the request of the United States consul at Canton, made by authority of the State Department, he brought home gratuitously (though such service is usually compensated) the confirmed treaty with Siam, which had been long delayed for want of a responsible opportunity of transmission; which service involved trouble, responsibility and expense to him.

The papers in the case disclose the correspondence between the department and Commodore Armstrong, as to the travelling expenses of Surgeon Wood, in which the department places its refusal to make such allowance, in Surgeon Wood's case, upon the absence of right in the commanding officer to direct him to return with him to the United States. They also disclose in the correspondence between Surgeon Wood and the Fourth Auditor the same reasons as controlling the decision of the department, cutting him down from "duty" to "leave of absence pay" from the time of his departure from the East Indies.

The committee do not care to review the question of the propriety of Commodore Armstrong's action, nor to settle the difference of opinion as to powers between the department and that officer. They consider that the plain fact in the case is that the commanding officer of Surgeon Wood gave him orders which it was his business, as a subordinate, not to argue about, but to obey. If the superior officer transcended his powers he is amenable to the censure of the department; but his error of judgment ought not to be visited upon one

who simply obeyed orders coming to him in the line of his duty, and from unquestionable authority, so far as he was concerned. To have refused obedience would have been a grave offence upon his part, and might have subjected him to the loss of his commission. Entertaining this view of the case, the committee are of opinion that it is unjust to Surgeon Wood to put him on "leave of absence pay," under the circumstances, and to refuse the allowance of travelling expenses, and they therefore have directed the report of the accompanying bill in his favor.

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